

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ARTHUR GLEN BROWN #575490

§

VS.

§

CIVIL ACTION NO. 9:11CV111

DIRECTOR, TDCJ-CID

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-entitled and numbered petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 was heretofore referred to United States Magistrate Judge Judith K. Guthrie. Petitioner filed a “Petition to the Court to Issue an Injunction and Honor an Mandamus” (docket entry #20), construed as a Motion for a Temporary Restraining Order and/or Preliminary Injunction. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the motion, has been presented for consideration. Petitioner has filed objections.

Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Petitioner’s objections are without merit. Specifically, Petitioner agrees with a number of the Magistrate Judge’s findings. As the Magistrate Judge noted regarding the original motion itself, Petitioner’s objections are somewhat vague and disorganized. However, he appears to reassert certain of his underlying claims and then states that the relief he seeks is related to an alleged ruling by the state trial judge awarding jail time credit. His request for an injunction is apparently intended to give effect to that alleged ruling. However, there is no evidence before this Court showing any such ruling or plea

agreement that was “breached.” The Court will not issue injunctive relief based on allegations alone.

It is accordingly

ORDERED that Petitioner’s “Petition to the Court to Issue an Injunction and Honor an Mandamus” (docket entry #20), construed as a Motion for a Temporary Restraining Order and/or Preliminary Injunction, is hereby **DENIED**.

So **ORDERED** and **SIGNED** this **26** day of **April, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge